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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,105	08/31/2001	Kerry Adam	616502000100	2118
25225 7590 08/21/2008 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040				
EXAMINER				
GRAHAM, CLEMENT B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/945,105

Applicant(s)

ADAM ET AL.

Examiner

CLEMENT B. GRAHAM

Art Unit

3692

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 2, 6-8 has been cancelled and claim 9 has been added and claims 1, 3-5 remained pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner U.S Patent 4, 903, 201 in view of Breen Jr et al (Hereinafter Breen Jr U.S Patent 6, 598, 027.

As per claim 1, 9, Wanger discloses a method for effecting a transaction in agricultural commodities on an agricultural commodity exchange, comprising:

- (a) establishing a communication network defining a community of buyers and sellers of commodities(see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52)
- (b) receiving a first multiplicity of seller asks, over the communication network, from a plurality of selling entities, each seller ask corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52)
- (c) receiving a second multiplicity of buyer bids, over the communication network, from a plurality of buying entities, each buyer bid corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52)
- (d) posting said first multiplicity of seller asks and second multiplicity of buyer bids to the community of buyers and sellers over the communication network in the form of level-2 trading data (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) and
- (f) executing at least one transaction between a first buying entity of the plurality of buying entities and a first selling entity of the plurality of selling entities with respect to a particular commodity when(see column 5 lines 5-61 and column 7 lines 12-

27 and column 3 lines 39-52) (1) the first buying entity makes an electronic indication on a respective posted seller ask for that particular commodity belonging to the first selling entity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Wanger fails to explicitly teach fail to explicitly teach (e) receiving one or more buyer pre-approval indications, over the communication network, from one or more of the plurality of selling entities, each buyer pre-approval indication indicating whether a particular selling entity approves or disapproves of a particular buying entity and (2) the one or more buyer pre-approval indications do not indicate the first selling entity disapproves of the first buying entity and agricultural.

However Breen Jr, discloses A potential buyer desiring to purchase the regulated goods offered for sale sends an offer (bid) to purchase the regulated goods to the intermediary via the intermediary Web site. Upon receiving the bid from the potential buyer (Block 230), the intermediary verifies that the potential buyer is authorized to purchase the regulated goods offered for sale (Block 240). Preferably, the buyer information is maintained within the production database (16b, FIG. 1) and is readily accessible via the database server (15, FIG. 1). The intermediary disallows the transaction if the buyer is not authorized (Block 245). If the buyer is authorized, the intermediary then verifies that the regulated goods are legal for use within the buyer's jurisdiction (Block 250). Preferably, information regarding legality of use of regulated goods within a buyer's jurisdiction is maintained within the product regulatory database (16c, FIG. 1) and is readily accessible via the database server (15, FIG. 1). Alternatively, the intermediary may communicate with one or more regulatory agencies (22, FIG. 1) to obtain this information. The intermediary disallows the transaction if the regulated goods are not legal for use within the buyer's jurisdiction(see column 10 lines 16-36 and lines 61-67 and column 11 lines 1-12 and column 12 lines 9-28 and column 13 lines 42-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made to modify the teachings of Wanger to include receiving one or more buyer pre-approval indications, over the communication network, from one or more of the plurality of selling entities, each buyer pre-approval indication indicating whether a

particular selling entity approves or disapproves of a particular buying entity and (2) the one or more buyer pre-approval indications do not indicate the first selling entity disapproves of the first buying entity and agricultural taught by Breen Jr in order to effect electronic commerce conducted via a computer network such as the internet.

As per claim 3, Wanger discloses wherein each respective buyer bid is associated with a desired quantity index and wherein each respective seller ask is associated with a corresponding inventory index. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

As per claim 4, Wanger discloses a method for effecting efficient electronic transactions in commodities, comprising:
establishing an commodity exchange, including a communication network linking a community of buyers and sellers of commodities, receiving a multiplicity of seller asks, each seller ask associated with a corresponding inventory index, from a plurality of selling entities, each seller ask corresponding to a particular commodity(see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) receiving a multiplicity of buyer bids, each buyer bid associated with a corresponding desired quantity index, from a plurality of buying entities, each buyer bid corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) posting said multiplicity of seller asks and said multiplicity of buyer bids to the community of buyers and sellers over the communication network in the form of level-2 trading data. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52)
accommodating changing market conditions by facilitating immediate electronic changes to inventory and desired quantity indices in any or all of the multiplicity of buyer bids or seller asks and posting the modified buyer bids and seller asks in real-time to the community of buyers and sellers over the communication network in the form of level-2 trading data, as changes are made. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Wanger fails to explicitly teach receiving over the communication network, one or more seller pre-approval indications from a first buying entity of the plurality of buying entities, each of the seller pre-approval indications indicating whether or not the first

buying entity disapproves or approves of a particular buying entity and executing a transaction between the first buying entity and a first selling entity of the plurality of selling entities with respect to a particular agricultural commodity, when (1) the first buying entity makes an electronic indication on a posted seller ask for that particular commodity belonging to the first selling entity and (2) the one or more seller pre-approval indications do not indicate that the first buying entity disapproves of the first selling entity and agricultural.

However Breen Jr, discloses A potential buyer desiring to purchase the regulated goods offered for sale sends an offer (bid) to purchase the regulated goods to the intermediary via the intermediary Web site. Upon receiving the bid from the potential buyer (Block 230), the intermediary verifies that the potential buyer is authorized to purchase the regulated goods offered for sale (Block 240). Preferably, the buyer information is maintained within the production database (16b, FIG. 1) and is readily accessible via the database server (15, FIG. 1). The intermediary disallows the transaction if the buyer is not authorized (Block 245). If the buyer is authorized, the intermediary then verifies that the regulated goods are legal for use within the buyer's jurisdiction (Block 250). Preferably, information regarding legality of use of regulated goods within a buyer's jurisdiction is maintained within the product regulatory database (16c, FIG. 1) and is readily accessible via the database server (15, FIG. 1). Alternatively, the intermediary may communicate with one or more regulatory agencies (22, FIG. 1) to obtain this information. The intermediary disallows the transaction if the regulated goods are not legal for use within the buyer's jurisdiction(see column 10 lines 16-36 and lines 61-67 and column 11 lines 1-12 and column 12 lines 9-28 and column 13 lines 42-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention made to modify the teachings of Wanger to include receiving over the communication network, one or more seller pre-approval indications from a first buying entity of the plurality of buying entities, each of the seller pre-approval indications indicating whether or not the first buying entity disapproves or approves of a particular buying entity and executing a transaction between the first buying entity and a first

selling entity of the plurality of selling entities with respect to a particular agricultural commodity, when the first buying entity makes an electronic indication on a posted seller ask for that particular commodity belonging to the first selling entity and the one or more seller pre-approval indications do not indicate that the first buying entity disapproves of the first selling entity and agricultural taught by Breen Jr in order to effect electronic commerce conducted via a computer network such as the internet.

As per claim 5, Wanger discloses comprising:
accommodating changing market conditions by facilitating immediate electronic changes to seller asking prices and buyer bid prices in any or all of the multiplicity of buyer bids or seller asks and posting the modified buyer bids and seller asks in real-time to the community of buyers and sellers over the communication network in the form of level-2 trading data, as changes are made. (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Conclusion

RESPONSE TO ARGUMENTS

4 Applicant's arguments filed 1/18/08 have been fully considered but they are not persuasive for the following reasons.

5. In response to Applicant arguments that Wagner fail to teach or suggest" the use of a buyer or seller pre-approvals to limit transactions between buyers and sellers" the Examiner disagrees with Applicant's because these limitations are addressed in a combinations of teachings as stated.

6. Wanger discloses establishing a communication network defining a community of buyers and sellers of commodities receiving a first multiplicity of seller asks, over the communication network, from a plurality of selling entities, each seller ask corresponding to a particular commodity(see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) receiving a second multiplicity of buyer bids, over the communication network, from a plurality of buying entities, each buyer bid corresponding to a particular commodity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) (d) posting said first multiplicity of seller asks and second multiplicity of buyer bids to the community of buyers and sellers over the

communication network in the form of level-2 trading data (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) and (f) executing at least one transaction between a first buying entity of the plurality of buying entities and a first selling entity of the plurality of selling entities with respect to a particular commodity when(see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52) (1) the first buying entity makes an electronic indication on a respective posted seller ask for that particular commodity belonging to the first selling entity (see column 5 lines 5-61 and column 7 lines 12-27 and column 3 lines 39-52).

Breen Jr, discloses A potential buyer desiring to purchase the regulated goods offered for sale sends an offer (bid) to purchase the regulated goods to the intermediary via the intermediary Web site. Upon receiving the bid from the potential buyer (Block 230), the intermediary verifies that the potential buyer is authorized to purchase the regulated goods offered for sale (Block 240). Preferably, the buyer information is maintained within the production database (16b, FIG. 1) and is readily accessible via the database server (15, FIG. 1). The intermediary disallows the transaction if the buyer is not authorized (Block 245). If the buyer is authorized, the intermediary then verifies that the regulated goods are legal for use within the buyer's jurisdiction (Block 250). Preferably, information regarding legality of use of regulated goods within a buyer's jurisdiction is maintained within the product regulatory database (16c, FIG. 1) and is readily accessible via the database server (15, FIG. 1). Alternatively, the intermediary may communicate with one or more regulatory agencies (22, FIG. 1) to obtain this information. The intermediary disallows the transaction if the regulated goods are not legal for use within the buyer's jurisdiction(see column 10 lines 16-36 and lines 61-67 and column 11 lines 1-12 and column 12 lines 9-28 and column 13 lines 42-48). Therefore it would have been obviously clear that Applicant's claims limitations were addressed within the teachings of Wagner and Breen Jr.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENT B. GRAHAM whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG

Aug 14, 2008

/Harish T Dass/

Examiner, Art Unit 3692